REMARKS

Claims 1-15, 22 and 23 are pending for prosecution in the above-identified patent application. In the Office Action of March 17, 2003, the Examiner rejected claims 1-5, 11-12, 15, and 22-23. The Examiner has objected to claims 6-10 and 13-14.

Applicant gratefully thanks the Examiner for holding the telephonic interview on November 4, 2003. Applicant submits that the following remarks are consistent with the content of the telephonic interview.

With respect to paragraph 3 of the Office Action, the Examiner rejected claims 22 and 23 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,121,615 to Bergeron (hereinafter "the Bergeron patent"). Specifically, in rejecting these claims, the Examiner noted:

> the pressure responsive valve actuator including an indicator member. Contrary to applicant's remarks, Bergeron clearly shows and discloses in column 3, lines 6+, an indicator, pin 88 (a moving member) responsive to fluid pressure moving together with a working rod "...for operating a valve element..." 20 to indicate valve actuation. Applicant's remarks to indicator 99, etc. are correct. The pin, however, clearly projects out of and retreats into the housing 11.

Applicant disagrees with the rejection and submits that the Bergeron patent does not disclose each and every element of independent claims 22 and 23. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). Accordingly, Applicant respectfully traverses the rejection below.

With regard to claims 22 and 23, both claims require that the moving member 1) moves together with the working rod and 2) projects from, and retreats into the housing. Specifically, claims 22 and 23 recite (emphasis added), respectively:

22. A stop valve comprising:
a working rod for operating a valve element which is moved to close and open a conduit;
a biasing member which biases said working rod in a first direction to make said valve element close said conduit;
a pressure chamber formed within a housing of said stop valve;
a pressure supplying device which supplies a working fluid to said pressure chamber to move said working rod in a second direction against a biasing force of said biasing member; and
a moving member which moves together with said working rod to project out of and retreat into said housing in accordance with movement of said working rod.

23. A stop valve comprising:
a working rod for operating a valve element which is moved to close and open a conduit;
a moving member which moves together with said working rod so that said moving member retracts into a housing of said stop valve when said valve element is moved to close said conduit and so that at least part of said moving member projects out of said housing when said valve element is moved to open said conduit.

Conversely, the pin (87)[1] of the Bergeron patent does not move with the valve (20) of the device disclosed. It, therefore, also not an indicator of an open or closed conduit. In fact, the pin (87) of the Bergeron patent moves independently of the working rod and serves a distinctly different purpose.

To better illustrate, when the valve (20) is in the lowered position, seals (33) bar fluid from passing to actuator (50). (See the Bergeron patent, col. 2, lines 44-46). Pilot pressure is insufficient to move the valve upwards. (See the Bergeron patent, col. 2, lines 48-51). Rather, an upward force (*i.e.*, a manual pull) is applied against the handles (92) in order to move the valve (20) upwards until the piston (22) abuts the shoulder (32). (See the Bergeron patent, col. 2, lines 55-59). This valve (20) movement causes, *inter alia*, the actuator fluid to be allowed to follow the path from the fluid source (40) to the actuator (50) and cutaway (36) to be lined up with slot (88). (See the Bergeron patent, col. 2, lines 58-63). When cutaway (36) and slot (88) are aligned, detent handle (84) and, consequently, pin (87) can be manually depressed such that pin (87) enters slot (36), temporarily locking valve (20) in its

[1] Please note that the Bergeron patent misidentifies the pin as "88" in col. 3, line 5. Clearly, the pin is properly identified as "87". See col. 2, lines 25 and 64-65. The identifier is clearly intended to indicate the "slot" through which the pin 88 travels. See col. 2, lines 25 and 63.

upward position. (See the Bergeron patent, col. 2, lines 62-66). Once the pilot pressure returns, the pin (87) will be forced outwards of the slot (36), freeing the movement of the valve (20) (*i.e.*, the value (20) can return to the lowered position). (See the Bergeron patent, col. 3, lines 4-6). However, the pilot pressure is enough to maintain the valve (20) in the upward position and fluid flow can continue. (See the Bergeron patent, col. 2, line 66 – col. 3, line 1).

Therefore, the pin (87) serves only to maintain the position of the valve (20) while waiting for the pilot pressure to return. The pin (87) does not to provide any type of valve status indication because the pin (87) and detent handle (84) may be in the extended or depressed position while the valve (20) is in the upward position. In addition, the pin does not move once pilot pressure leaves and the valve (20) is moved to the lowered position. Rather, the pin (87) will only move once the valve (20) is raised again to the upward position and pin (87) is manually depressed into slot (36). In short, the movement of the pin (87) is independent of the valve (20) and pilot pressure and, therefore, does not move together with the moving member, as recited in claims 22 and 23.

In fact, indicator (90) and remote indicator (60) rather than detent handle (84) and pin (87), have been provided by the patentee of the Bergeron Patent for the purpose of indicating whether the pilot pressure is present. These indicators, as discussed in Applicant's Response of 6/17/03, also do not move together with the working rod. Therefore, the Bergeron patent lacks at least a moving member that moves together with the working rod in such a manner that the moving member extends from and retracts into a housing of the stop valve when said valve element is moved to open and close the conduit, respectively. Accordingly, the Bergeron patent does not disclose each and every limitation of claims 22 and 23. Favorable reconsideration of these rejected claims is respectfully requested.

With respect to paragraphs 6 and 7 of the Office Action, the Examiner rejected claims 1-4, 15 under 35 U.S.C. §103(a) as being unpatentable over Japanese Document 11-82804 (hereinafter "the Japanese document") in view of the

Bergeron patent. The Examiner noted in the rejection that the Japanese document disclosed each and every element, except "a 'visual checking member' integral with said 'working rod' as taught by Bergeron."

Applicant disagrees with the rejection and submits that the Bergeron patent does not disclose each and every element of independent claim 1. With regard to independent claim 1, the prior art does not teach, or suggest, all of the claim limitations. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP 2143.03 (*citing In re Royka,* 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974)). Accordingly, Applicant respectfully traverses the rejection below.

As mentioned above, claims 22 and 23 recite stop valves having an indicator that projects from and retreats into the housing. Likewise, claim 1 of the present patent application recites (emphasis added):

> 1. A stop valve comprising:
> a working rod for operating a valve element which is moved to close and open a main conduit;
> a biasing member which biases said working rod in a direction to make said valve element one of close and open said main conduit;
> a piston body which is coupled to said working rod and slidably fitted in a housing of said stop valve;
> a pressure chamber formed within said housing be said piston body;
> a pressure supplying device which supplies a working fluid to said pressure chamber to move said working rod in a direction against a biasing force of said biasing member; and
> a visual checking member which is integral with said working rod to project from said housing in accordance with movement of said working rod, wherein an amount of projection of said visual checking member varies in accordance with an axial position of said working rod.

Therefore, claim 1 discloses a visual checking member that is integral with the working rod and projects (by various degrees) from the housing depending on the axial position of the working rod.

As stated by the Examiner, the Japanese reference lacks a "visual checking member" integral with said "working rod." And, as discussed above, the pin (87) of

the Bergeron patent is not one that is integral with the working rod to project from the housing in accordance movement of the working rod. Therefore, in a similar manner, a combination of the Japanese reference and the Bergeron patent fail to teach the visual checking member disclosed in claim 1.

Claims 2-4, and 15 are all dependent, directly or indirectly, on claim 1. Therefore, applicant submits that these claims are allowable in the same way as claim 1, as well as by virtue of the additional recitations clearly set forth therein. Favorable reconsideration of claims 1-5, 11-12, 15 and 22-23 is respectfully requested.

Applicant has enclosed a check in the proper amount for a Request for Continued Examination. Applicant believes that no additional fees are due with the present Response; however, please charge any deficiencies that may exist to Deposit Account No. 13-0235. Applicant respectfully requests that the Examiner contact the Applicant's representative at the phone number listed below should the Examiner have any questions regarding the present Response.

Respectfully submitted,

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